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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,962	11/10/2000	Lars Severinsson	3323-P0001C	6142
24126	7590	01/31/2007	EXAMINER	
ST. ONGE STEWARD JOHNSTON & REENS, LLC 986 BEDFORD STREET STAMFORD, CT 06905-5619			SCHWARTZ, CHRISTOPHER P	
ART UNIT		PAPER NUMBER		
3683				
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
2 MONTHS	01/31/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Supplemental Examiner's Answer**

1. Responsive to the Remand on November 21, 2006, a supplemental Examiner's Answer is set forth below:

This is now the second response by the examiner to the Remand. The first was sent November 27, 2006.

The Remand was for "Whether a rejection of claims 29-32 under 35 U.S.C. section 251, as being based upon new matter and rejections under 35 U.S.C section 112, first and second paragraphs, are appropriate?".

The Board discussed claim 29 as 'exemplary'. Upon their review of the patent (5,833,035) the Board was unable to find proper antecedent basis in the disclosure for the limitations of (A) "a self sustained unit" and (B) "fixedly connected to the inside of the housing". In response to the Board's query of claim 29 it is the examiner's position that there are no new matter or 35 U.S.C. 112 problems with this claim.

As explained in the Examiner's Answer the central issue before the Board is not a new matter or 112 problem but one of recapture – that is, whether the cover (2) should be claimed as a part of the preassembled or 'self-sustained unit'. The examiner clearly found antecedent basis in their disclosure, as originally filed, for the two limitations (A) and (B) above. In column 1 under the heading "Invention" around lines 27+ it is stated "*A less complex, cheaper and more reliable design is according to the invention attained in that bearing tappets, parallel with the cross bar, are fixedly connected to the inside of the cover...*". In column 2 line 29 it is stated "... but the cover and the rest of the mechanism are also held together as a unit even in the

absence of the housing, which accordingly may be manufactured separately”. At page 6 over to page 7 of applicant's remarks in the original patent application 08/817,769 (before the examiner's amendment) applicants stated “Parent claim 1 is amended to better structurally define applicants novel feature wherein the housing and cover members are structured with the entire braking unit carried by the cover independently from the housing to be inserted as a unit”.

It can be seen from applicant's disclosure, and their remarks, that the whole point of the invention is in fact the, preassembled, or “self sustained unit” that can be inserted into a separately manufactured housing.

Therefore the cover 2 along with the two thrust sleeves 8, cross bar 9 (which encompasses the sleeves – see claim 1) etc. constitute the (A) “self sustained unit” which can be (B) “fixedly connected to the inside of the housing” 1 (manufactured separately).

The examiner maintains that there are no new matter or 35 U.S.C. 112 problems with claim 29.

Appellant may file another reply brief in compliance with 37 CFR 41.41 within two months of the date of mailing of this supplemental examiner's answer. Extensions of time under 37 CFR 1.136(a) are not applicable to this two month time period. See 37 CFR 41.43(b)-(c).

2. A Technology Center Director or designee has approved this supplemental examiner's answer by signing below:



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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Schwartz whose telephone number is 571-272-7123. The examiner can normally be reached on M-F 10:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim McClellan can be reached on 571-272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Cps  
11/27/06

CHRISTOPHER P. SCHWARTZ  
PRIMARY EXAMINER